

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 212, FOOD AND DRUGS ACT.

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#### MISBRANDING OF PRESERVES.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 7th day of October, 1909, in the District Court of the United States for the District of Maryland, judgment was rendered in the case of the United States against William Numsen & Sons, Inc., upon information in substance charging said defendant with having unlawfully shipped from Baltimore, Md., to Houston, Tex., 12,000 cans of assorted preserves which were misbranded in this, that upon each of the packages containing the same there was a label bearing the following statement regarding the article contained therein: "This package contains one full pound," which statement was false and misleading in that each of said packages contained less than 1 full pound, to wit, an average of 14.5 ounces, and which were misbranded in that the label on each of said packages stated the contents thereof to weigh 1 full pound, whereas the true weight of said contents was about 14.5 ounces. The defendant pleaded guilty to the information on the aforesaid date and the court imposed upon it a fine of \$25.

The facts upon which the prosecution was based were as follows:

On or about March 20, 1909, an inspector of the United States Department of Agriculture purchased samples of the preserves labeled as heretofore described from William D. Cleveland & Sons at Houston, Tex., which samples were contained in a consignment of the product shipped to H. T. Keller & Company for delivery to said dealer, by William Numsen & Sons, Inc., Baltimore, Md. A number of the cans were weighed in the Bureau of Chemistry of the United States Department of Agriculture and the weight of the contents

of each can was found to be about 14.5 ounces. The examination having disclosed an apparent misbranding of the product, the said William Numsen & Sons, Inc., manufacturer, and all other parties in interest were duly notified of said charge and were given an opportunity to be heard and were heard in regard thereto, whereupon it having appeared that there had been a violation of the act, the Secretary of Agriculture, on August 12, 1909, reported the facts to the Attorney General. The case was referred to the United States Attorney for the District of Maryland, who filed an information against William Numsen & Sons, Inc., with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 21, 1910.*